IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8565 OF 2006

Shri Bhimrao Bhagwantrao Inamdar .. Petitioner

Versus

Karad Janata Sahakari Bank Ltd.
and ors. .. Respondents

Mr.Sandeep V.Marne for the Petitioner
Mr.V.B.Rajure for the Respondent No.1

CORAM : S.R.SATHE,J.
DATED : 03/08/2007

P.C. :-

1. By Consent heard finally at admission stage.

2. Being aggrieved by the order passed by the Co-operative Appellate Court whereby the judgement and award passed by the Co-operative Court, Satara on 26/07/2004 in Dispute No.1153 of 1997 was confirmed with only modification of rate in interest, the Appellant in the said appeal has filed the present Writ Petition.

3. From the perusal of the papers and submissions made before me, it is very clear that admittedly, the present Petitioner obtained loan of Rs.15,50,000/- from the Respondent-Bank on 06/12/1991 and he failed to repay the said loan as promised. Naturally, the Respondent No.1-Bank filed Co-operative Case No.1153 of

1997 in the Co-operative Court, Satara for recovery of sum of Rs.26,78,074.30ps. alongwith interest at the rate of 20% per annum. It is also not in dispute that on 26/07/2004 Co-operative Court, Satara was pleased to allow the dispute. Petitioner filed the Co-operative Appeal No.197 of 2004 in the Co-operative Appellate Court, Pune and prayed for stay to the judgement passed by the Co-operative Court, Satara. The said Application was rejected by the Appellate Court. Being aggrieved by the same, the Petitioner filed Writ Petition No.9396 of 2004 in this Court and this Court was pleased to stay the judgement of the Co-operative Court subject to the condition of the Petitioner depositing amount of Rs.10 lakhs.

4. It is not in dispute that the present Petitioner has failed to comply the conditional order passed by this Court and Naturally, stay granted earlier stood vacated automatically.

5. As the stay granted earlier stood vacated due to non-compliance on the part of Petitioner, the learned Judge, Co-operative Appellate Court decided the Appeal on merits and confirmed the order of the Co-operative Court, Satara and only reduced interest from 20% to 15%.

6. The above mentioned order of the Appellate Court is challenged in the present Petition. However, it must be mentioned that the learned Advocate for the Petitioner could not point out any valid ground on which it can be said that the order passed by the Appellate Court requires reconsideration. On the contrary, if we take into consideration all the facts and circumstances of the case then it is very clear that Petitioner is a person who has obtained loan of Rs.15,50,000/- in the year 1991 is still trying to protract the repayment on one ground or other. From the perusal of the judgement of the Co-operative Court as well as Appellate Court, it must be noted that both the Courts below have considered all the aspects of the case and rightly directed the present Petitioner to pay the dues. The order passed by the Co-operative Appellate Court can not be said to be illegal or erroneous. So, facts and circumstances of the case do

not warrant exercise of special powers of this Court under the Writ jurisdiction. Hence, I have no hesitation to hold that there is no substance in the present Petition.

Hence, Writ Petition stands dismissed with costs.

(S.R.SATHE,J.)